

REMARKS

Claims 2, 57, 58, 63, 64, 68, 72, 75-101, 103 and 112 are pending in the application, and claims 57, 58, 63, 64, 68, 72, 80, 81, 86, 87, 91, 92, 95, 96 and 101 are in condition for allowance if re-written in independent form.

Claims 57, 63, 68, 72, 80, 81, 86, 87, 91, 92, 95, 96 and 101 are amended to be rewritten in independent form. Claims 58 and 64 depend from claims 57 and 63, respectively.

Claims 2, 75-79, 82-85, 88-90, 93, 94, 97-100, 103 and 112 are canceled without prejudice or disclaimer.

The cancellation of claims 2, 75-79, 82-85, 88-90, 93, 94, 97-100, 103 and 112 obviates the following rejections, as set for the in the Office Action dated December 10, 2009:

- (i) Rejections of claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100, 103 and 112 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite;
- (ii) Rejection of claims 2, 75, 103 and 112 under 35 U.S.C. § 103(a) over Ackerman, et al., (U.S. Patent No. 7,012,077);
- (iii) Rejection of claims 2, 103 and 112 under 35 USC § 103(a) over Yasuda, et al. (WO 2002030891);
- (iv) Rejection of claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 under 35 U.S.C. § 103(a) over Schaper et al. (U.S. Patent No. 5,691,321), Obata et al. (WO 1996/06086), Lee et al. (WO 1999/31072) and Sekigushi et al. (EP 1 464 335);
- (v) Rejection of claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 under 35 U.S.C. § 103(a) over Kubo et al. (WO 2003035638);
- (vi) Rejection of claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100 and 103 under 35 U.S.C. § 103(a) over Villhauer et al. (WO 2001096295); and,

(vii) Rejection of claims 2, 75-79, 82-85, 88-90, 93, 94, 99, 100, 103 and 112 based on the doctrine of nonstatutory obviousness-type double patenting based on claims 1-6, 9-15, 18-20 and 24-28 of U.S. Patent Application No. 10/599,505.

Claims 1, 3-56, 61, 62, 65-67, 70, 71, 73, 74, 102 and 104-111 were previously canceled.

No new matter is added. Upon entry of the Amendment, claims 57, 58, 63, 64, 68, 72, 80, 81, 86, 87, 91, 92, 95, 96 and 101 will be pending, and all the claims were allowed in the Office Action dated December 10, 2009. Therefore, Applicants respectfully request entry and consideration of the Amendment after a final Office Action, and request allowance of the present application.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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